



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,354	05/31/2005	Arun R. Gavaskar	0514306	5676
26874 7590 03/29/2007 FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			EXAMINER BARRY, CHESTER T	
			ART UNIT	PAPER NUMBER
			1724	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/29/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/29/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dbell@fbtlaw.com
dfranklin@fbtlaw.com
rgaunce@fbtlaw.com

BEST AVAILABLE COPY

Office Action Summary**Application No.**

10/507,354

Applicant(s)

GAVASKAR ET AL.

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 11/18/04.

- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 1724

Claims 8 – 11, 23, 25, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, it is unclear whether the pollutant contains water, sediment, fractured rock, or soil, or whether the material being treated is pollutant-containing water, pollutant-containing sediment, pollutant-containing fractured rock, or pollutant-containing soil. This rejection may be overcome by inserting a hyphen (“ – ”) between “pollutant” and “containing.”

The term “relatively natural” in claim 8 and in claim 23 is a relative term which renders the claim indefinite. The term “relatively natural” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term “the environmental media” lacks antecedent basis in claim 8. This rejection may be overcome by identifying the water, sediment, fractured rock, and soil as environmental media.

Claims 12, 21, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by 20040031749. The printed application describes a structure treated with a microbiological interception enhancing agent in combination with “activated bauxite” (paragraph [0023]). The composition-bearing structure inactivates microorganisms coming into contact with the treated structure. Claim 12 does not require that bauxite

Art Unit: 1724

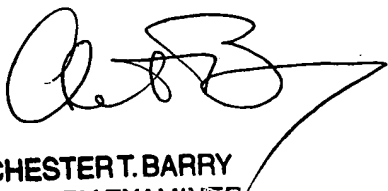
be the material responsible for inactivation of the microorganisms. Per claims 21 and 23, the activated bauxite contacts microbial-polluted water.

Claims 13 – 15, 24 are rejected under 35 U.S.C. 103(a) as obvious over 20040031749. It would have been obvious to have crushed bauxite mined from the earth into a granular intermediate form in the course of crushing it into powder form before preparing it for use in a manufactured article, such as that described by 20040031749.

Claims 8, 11, 17, 20, 22, 23, 25, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5245106. The patent describes treating a mercury- or arsenic-containing fluid, e.g., water, by passing the fluid through a porous mass / support comprising bauxite (claim 1, col 2 line 21).

Claims 13 – 15, 23, 24, 26 are rejected under 35 U.S.C. 103(a) as obvious over 5245106. It would have been obvious to have crushed bauxite mined from the earth into a granular intermediate form in the course of crushing it into powder form before preparing it for use in a manufactured article, such as that described by 5245106.

Objection is made to Claims 16, 18-19 for dependence on a rejected base claim, but would be allowed if re-written in independent form and amended to overcome any Sec. 112 rejections, if any.



CHESTERT.T.BARRY
PRIMARY EXAMINER

571-272-1152